

BOARD OF EXAMINERS  
FOR WATER SUPPLY  
AND  
WASTEWATER LICENSED OPERATORS  
  
BY-LAWS

Adopted February 9, 2022

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## **PREAMBLE**

The Board of Examiners was created by the "Water Supply and Wastewater Operators' Licensing Act." L.1983, c. 230, s. 1, eff. June 29, 1983 also known as N.J.S.A. 58:11-64 et seq. The Board of Examiners is also created and empowered under N.J.A.C. 7:10A-1 et seq., Licensing of Water Supply and Wastewater Treatment System Operators. This document sets forth the By-Laws by which the Board of Examiners will regulate its affairs and conduct its business.

## ARTICLE I: BOARD DESIGNATION, FUNCTIONS AND APPOINTMENTS

Section 1: Name – The name of the Board shall be the “Board of Examiners for the Licensing of Water Supply and Wastewater Treatment System Operators” as established under the Water Supply and Wastewater Operators Licensing Act, N.J.S.A. 58:11-64 et seq, and the regulations N.J.A.C. 7:10A et seq. “Licensing of Water Supply and Wastewater Treatment System Operators”.

Section 2: Functions – The Board of Examiners is established to advise and assist the New Jersey Department of Environmental Protection (Department) in the administration of the licensing program established pursuant to the Act. The functions of the Board are to:

- a) Assist with the review of applications to ascertain the experience and qualification of persons applying for a license including those submitted by applicants with licensure obtained from another State seeking reciprocity in New Jersey. [N.J.A.C. 7:10A-1.11]
- b) Advise the Department on the standard operating procedures that govern the review of the applications and administration of the examinations. [N.J.A.C. 7:10A-1.4(a)]
- c) Review the exam results and work with the Advisory Committee on Water Supply and Wastewater Licensed Operator Training established pursuant to N.J.A.C. 7:10A-1.5 to identify any trends.
- d) Establish examination review procedures which are fair to applicants and which preserve the integrity of the examinations. [N.J.A.C. 7:10A-1.4(c)]
- e) Make recommendations to the Department’s Commissioner (Commissioner) through resolutions that are passed by the Board.
- f) Annually review the programs and regulations adopted pursuant to the Act and make recommendations to the Department for their improvement. [N.J.S.A. 58:11-67 (b)]
- g) Respond to the Department’s requests for concurrence on proposed actions for:
  - i. License revocation when the Department determines that a licensee has committed a violation or violations which have

caused substantial harm to the public. [N.J.A.C. 7:10-2.5(a)(3)]

- ii. Determination that a licensee is ineligible for admission to any examination authorized by the Act because a licensee has committed a violation or violations which have caused substantial harm to the public. [N.J.S.A. 58:11-70(d); N.J.A.C 7:10- 2.5(b)(2)]

h) Perform other functions, as provided by law.

Section 3: Appointments

a) The Board of Examiners shall be comprised of nine (9) members, appointed in accordance with the Water Supply and Wastewater Operators Licensing Act, N.J.S.A. 58:11-64 et seq. The members shall consist of employees of the Department, and actively engaged licensed operators having at least five years' experience in the operation of a system in the State of New Jersey and possessing a current Class 4 license for one or more systems at the time of appointment. The members of the Board shall be appointed and may be reappointed by the Commissioner and shall be:

- i. Appointed for a three-year term and shall serve until the appointment of a successor;
- ii. Comprised of three representatives from the water works field and three representatives from the wastewater field, and three representatives from the Department: and
- iii. Subject to removal at the discretion of the Commissioner.

b) Five members of the Board shall constitute a quorum of the Board for conducting business.

c) No compensation shall be paid for the services of the members of the Board, but they shall be reimbursed for their necessary expenses incurred in performing the services herein prescribed.

Section 4: Duties of Officers

a) Chairperson – The Board shall have a Chairperson. The Chairperson shall be elected on an annual basis by a majority vote of the Board. Board elections will take place at the second regularly scheduled meeting of the calendar year. The chairperson shall:

- i. Preside at all meetings of the Board.
  - ii. Rule on all questions of order.
  - iii. Establish committees and appoint committee members, which must include at a minimum one Board member from the Department, and designate the chairpersons thereof. Any action or recommendation of any formed committee shall not be in effect until voted upon and adopted in accordance with Article II, Section 9 of these By-laws.
  - iv. Sign all resolutions adopted by the Board, and any other legal document or instrument approved by the Board.
  - v. Submit such recommendations and information as deemed necessary concerning the business, duties, and offices of the Board.
  - vi. Have such other duties and powers as conferred by these by-laws, or by any resolution adopted by the Board.
  - vii. In the event the Chairperson is unable to attend a particular meeting, the Vice Chairperson will vote and otherwise act on his or her behalf at the meeting. In the event that both the Chairperson and the Vice-Chairperson are unable to attend a particular meeting, the Chairperson can appoint another member of the Board as Acting Chair for that meeting.
- b) Vice-Chairperson – The Board shall have a Vice-Chairperson. The Vice-Chairperson shall be elected on an annual basis by a majority vote of the Board. Board elections will take place at the second regularly scheduled meeting of the calendar year. The Vice-Chairperson shall act on behalf of the Chairperson if he or she is unable to attend a particular meeting.
- c) Board Secretary – The Secretary to the Board shall be a Department staff person designated by the Department and in that capacity:
- i. Shall attend all meetings of the Board and act as a Secretary thereof and record all notes and keep a record of the proceedings at all meetings of the Board in minute books, and a resolution book, or both, which shall be open at all reasonable times to inspection by any member of the Board.

- ii. Shall cause a true copy of the minutes of every meeting to be prepared and delivered to the Commissioner or his/her designee and members of the Board.
- iii. Shall maintain records of the Board's transactions, communications, and proceedings, and such records shall be open at all reasonable times to inspection by any member of the Board.
- iv. Records of the Board shall be open at all reasonable times to inspection by any member of the public in accordance with the Open Public Records Act.
- v. Prepare and have published public notice of Board meetings in accordance with the Open Public Meetings Act, P.L. 1975, c. 231.

## **ARTICLE II: BOARD MEETINGS**

All meetings shall be conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4 et seq.

- Section 1: General Powers – The property, affairs, and business of the Board shall be managed by the Board, to the extent of the power and authority allocated to the Board by the Act, the regulations, and these by-laws.
- Section 2: Regular Meetings – Regular meetings of the Board shall be held at a time and place to be designated by the Board with adequate notice, as defined under the Open Public Meetings Act.
- Section 3: Frequency of Regular Meetings – The Board shall hold at least 4 regular meetings each year.
- Section 4: Annual Meetings – An annual organizational meeting, which shall occur during the second regular scheduled meeting of the year, shall be held at which the Board shall take the following actions:
- a) Adopt the annual notice of meeting dates required by the Open Public Meetings Act.
  - b) Elect a Chairperson and Vice-Chairperson pursuant to Article I, Section 4 of these By-Laws for a term of one year. The Chairperson and Vice-Chairperson may be re-elected to successive terms. In the

absence of the elected Chairperson, a quorum of the Board shall elect a temporary Chairperson to conduct the meeting.

The order of business at Annual meetings shall generally be structured as outlined in Article II, Section 11 but may exclude items not necessary for the meeting purpose.

- Section 5: Special Meetings – Special meetings may be called at any time by the Chairperson between scheduled Regular meetings or those dates contained in the annual meeting notice. The order of business at Special meetings shall generally be structured as outlined in Article II, Section 11 but may exclude items not necessary for the meeting purpose.
- Section 6: Meeting Date/Time/Location – Meetings shall be conducted at a date, time and place designated by the Chairperson, or by a majority of the Board. Meetings may be held virtually if needed and Board members may attend meetings virtually or by teleconference call if necessary and available. Any Board member who participates virtually or by teleconference call shall be considered present for purposes of conducting Board business.
- Section 7: Open Public Meetings Act – The Board Secretary shall be responsible for providing adequate notice of all meetings as defined under the Open Public Meetings Act.
- Section 8: Quorum – Board business may be conducted if a quorum of the Board is present at the meeting. Five members shall constitute a quorum. A quorum shall be by members present in person, virtually or by teleconference call, at any meeting of the Board.
- Section 9: Voting – Each Board member shall be entitled to one vote. Votes may be cast only by members who are present at the meeting.
- Section 10: Meeting Agendas – An agenda for each meeting shall be prepared by the Board Secretary after consultation with the Chairperson. Copies of the agenda shall be provided to each Board member seven calendar days prior to the date of the meeting to the extent practicable.
- Section 11: Order of Business – The order of business at regular meetings shall be:
- a) Call to Order
  - b) Roll Call
  - c) Notice of Public Meeting
  - d) Review and Approval of past Meeting Minutes

- e) Applications and/or Exam Results
- f) Old Business
- g) New Business
- h) Advisory Committee Comments
- i) Public Comment
- j) Closed Session
- k) Adjournment

In addition, the Board may, by majority vote, direct that an item be tabled and placed upon the agenda for the next scheduled meeting.

Section 12: Proxy - A Member of the Board may not assign a proxy to either attend a meeting or vote for the Member.

Section 13: Manner of Action – Actions may be taken, and motions and resolutions adopted by the Board, upon the affirmative vote of a majority of the Board members present, as provided in Section 8 above. To the extent consistent with these by-laws, the conduct of meetings shall be generally governed by Robert’s Rules of Order.

Section 14: Closed Session – The Board will meet in Closed Session to discuss any matter that may be deemed to be an unwarranted invasion of individual privacy or for other exemptions identified in the Open Public Meetings Act.

- a) Attendance for the discussion shall be limited to Board members, the Board Secretary, and any individuals needed for the topic under discussion as determined by the Board.
- b) Any Board member that has a conflict of interest with the respect to the matter being discussed shall not attend or participate in the Closed Session segment of the meeting.
- c) Any matters discussed during a Closed Session shall be kept confidential by the attendees.

Section 15: Resolutions - All resolutions presented to the Board shall be in writing. If a resolution is adopted, a copy shall be attached to the minutes of the proceedings. All resolutions of the Board adopted in any one year shall be numbered from 1 (one) consecutively upwards in order of adoption.



Section 16: Meeting Minutes – The Board Secretary shall keep minutes of each meeting. These minutes shall reflect the presence of each member in attendance, and the discussions and actions taken during the meeting including the votes made by each member.

The minutes, and any corrections thereof duly adopted, shall be signed by the Board Secretary. A true copy of the approved minutes of every meeting shall be prepared and forthwith delivered to the Commissioner, in accordance with N.J.A.C. 7:10A-1.3(e), or his/her designee, and all Board members.

Minutes shall be made available to the public upon request after their approval and adoption and in accordance with the Open Public Records Act. Minutes shall also be placed on the Department's Water Supply & Wastewater Treatment System Operators Licensing web page. A copy of the minutes shall be retained in the Board's principal office. For matters discussed in Closed Session, the minutes provided to the public or placed on the internet shall only reflect the start/end time of the Session and the topic discussed until such time that it is deemed by the Department that the full minutes can be disclosed in accordance with the Open Public Meetings Act.

Section 17: It is the policy of the Board to provide citizens an opportunity to present suggestions, views, and comments respecting the Board's functions, responsibilities, and proposed actions during a reasonable period of time at each meeting. The Chairperson may limit the time and number of speakers and exclude repetitious or irrelevant testimony.

### **ARTICLE III: AMENDMENTS TO THE BY-LAWS**

Section 1: These by-laws may be amended, repealed, or added to by the Board, as necessary, and, in its discretion, at any meeting by a majority vote of the Board.

Section 2: No amendment, repeal, or addition to these by-laws may be considered unless notice of same is given in writing, and mailed, electronically or delivered personally to each member of the Board at his or her residence or office at least seven days in advance of the meeting at which the motion to adopt the amendment, repeal, or addition is to be presented.